



Brussels, 10 October 2017
(OR. en)

13071/17

CRS CRP 36

SUMMARY RECORD

Subject: 2642nd meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 27 September 2017

I. Adoption of the agenda

12507/17 OJ CRP2 32

12494/17 OJ CRP1 32

The Committee adopted the agenda.

II. Approval of the "I" items

The Committee approved the "I" items as set out in the Annex.

III. Discussion items

COREPER (PART 2)

2. **Presentation of the agenda** of the Council meeting (**Foreign Affairs**) on 16 October 2017

The EEAS outlined the main agenda items. Hungary will intervene under AOB on the situation of minorities in Ukraine. The UK requested a discussion on Myanmar.

3. **Preparation** of the Council meeting (**Economic and Financial Affairs**) on 10 October 2017

- Other items in connection with the Council meeting

No items were raised under this heading.

4. Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EU) No 1316/2013 and (EU) 2015/1017 as regards the extension of the duration of the European Fund for Strategic Investments as well as the introduction of technical enhancements for that Fund and the European Investment Advisory Hub 2016/0276 (COD)
= Preparation for the trilogue

The Committee prepared the forthcoming trilogue. The discussion was held in a restricted session.

5. **Preparation** of the Council meeting (**Justice and Home Affairs**) on 12-13 October 2017
 - Mid-term review of the JHA strategic guidelines
 - = Exchange of views
12474/17 JAI 818

The Presidency outlined the intended handling of this item in the Council.

- Other items in connection with the Council meeting

No items were raised under this heading.

6. **Follow-up** to the Council meeting (**General Affairs**) on 25 September 2017

The Committee took note of the main outcomes of the Council meeting.

7. **Presentation of the agenda** of the Council meeting (**General Affairs**) on 17 October 2017

The Presidency presented the main points on the agenda.

8. Preparations for the **Eastern Partnership Summit** (Brussels, 24 November 2017)

The Committee held an exchange of views on the upcoming Eastern Partnership Summit. The discussion was held in a restricted session.

COREPER (PART 1)

37. Proposal for a Regulation of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a **European Union Aviation Safety Agency**, and repealing Regulation (EC) No 216/2008 of the European Parliament and of the Council **(First reading) (Legislative deliberation)**

= Presidency briefing on the outcome of the trilogue

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 26 September 2017.

38. Proposal for a Decision of the European Parliament and of the Council on a common framework for the provision of better services for skills and qualifications (**Europass**) and repealing Decision No 2241/2004/EC **(First reading) (Legislative deliberation)**

= Mandate for negotiations with the European Parliament

12239/17 EDUC 340 SOC 582 EMPL 448 MI 636 ECOFIN 724 DIGIT 190
JEUN 108 SPORT 64 CODEC 1406

The Committee agreed on a slightly revised mandate for the forthcoming trilogue. The Commission reassured that it will draw on Member States' expertise and convene and consult the expert group regularly.

39. **Waste package (First reading) (Legislative deliberation)**

- a) Proposal for a Directive of the European Parliament and of the Council amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment
 - b) Proposal for a Directive of the European Parliament and of the Council amending Directive 1999/31/EC on the landfill of waste
 - c) Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste
 - d) Proposal for a Directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste
- = Presidency briefing on the outcome of the trilogue

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 26 September 2017.

40. Proposal for a Regulation of the European Parliament and of the Council amending Directive 2003/87/EC to continue current **limitations of scope for aviation activities** and to prepare to implement a global market-based measure from 2021 **(First reading) (Legislative deliberation)**

= Presidency briefing on the outcome of the trilogue

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 25 September 2017.

41. **Preparation** for the Council meeting (**Environment**) on 13 October 2017

– **Non-ETS sectors (First reading)** (*Legislative deliberation*)

- a) Proposal for a Regulation of the European Parliament and of the Council on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 for a resilient Energy Union and to meet commitments under the Paris Agreement and amending Regulation No 525/2013 of the European Parliament and the Council on a mechanism for monitoring and reporting greenhouse gas emissions and other information relevant to climate change

= General approach

12334/17 CLIMA 243 ENV 758 ENER 365 TRANS 369 AGRI 484
COMPET 620 ECOFIN 730 CODEC 1424

The Committee examined the outstanding issues, took note of Member States' comments and agreed to forward a further amended compromise text to Council in view of reaching a general approach.

- b) Proposal for a Regulation of the European Parliament and of the Council on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry into the 2030 climate and energy framework and amending Regulation No 525/2013 of the European Parliament and the Council on a mechanism for monitoring and reporting greenhouse gas emissions and other information relevant to climate change

= General approach

12330/17 CLIMA 242 ENV 757 AGRI 483 FORETS 33 ONU 118 CODEC 1422

The Committee examined the outstanding issues, took note of Member States' comments and agreed to forward a further amended compromise text to Council in view of reaching a general approach.

IV. Any other business

COREPER (PART 2)

– **Switzerland**

The Committee was updated by the Commission and the EEAS on the state of play in relations with Switzerland.

COREPER (PART 1)

None.

"I" items approved**COREPER (PART 2)**

9. Draft minutes of the following Council meetings
= Approval
- a) 3543rd meeting of the Council of the European Union (Economic and Financial Affairs), held in Brussels on 23 May 2017
9643/17 PV CONS 30 ECOFIN 457
+ COR 1 (fr, nl, da, pt, fi, sv, cs, et, hu, mt, sl, bg, hr)
+ ADD 1
+ ADD 1 COR 1 (fr, nl, da, pt, fi, sv, cs, et, hu, mt, sl, bg, hr)
- b) 3546th meeting of the Council of the European Union (Justice and Home Affairs), held in Luxembourg on 8 and 9 June 2017
10116/1/17 REV 1 PV CONS 33 JAI 586 COMIX 427
+ REV 1 COR 1
+ ADD 1 REV 1
- c) 3549th meeting of the Council of the European Union (Economic and Financial Affairs), held in Luxembourg on 16 June 2017
10431/17 PV CONS 36 ECOFIN 553
+ ADD 1
- d) 3551th meeting of the Council of the European Union (Foreign Affairs), held in Luxembourg on 19 June 2017
10459/17 PV CONS 38 RELEX 553
+ COR 1 (cs)
+ COR 2 (el)
- e) 3552nd meeting of the Council of the European Union (General Affairs), held in Luxembourg on 20 June 2017
10501/17 PV CONS 39
+ ADD 1
+ ADD 1 COR 1 (lv)
- f) 3555th meeting of the Council of the European Union (Economic and Financial Affairs), held in Brussels on 11 July 2017
11190/17 PV CONS 45 ECOFIN 642
+ ADD 1
- g) 3557th meeting of the Council of the European Union (Foreign Affairs), held in Brussels on 17 July 2017
11341/17 PV CONS 47 RELEX 663

10. Case before the EU General Court:
Case T-285/17, Viktor Fedorovych Yanukovych v. Council
12262/17 JUR 427 CORLX 417 CFSP/PESC 791 COEST 226
11. Case before the EU General Court:
Case T-286/17, Oleksandr Viktorovych Yanukovych v. Council
12264/17 JUR 428 CORLX 418 CFSP/PESC 792 COEST 227
12. Case before the EU General Court:
Case T-564/17, So Tong Myong v. Council and Commission
12417/17 JUR 434 CORLX 424 CFSP/PESC 806 COASI 146
13. Case before the EU General Court:
Case T-568/17, Korea National Insurance Corporation v. Council and Commission
12418/17 JUR 435 CORLX 425 CFSP/PESC 807 COASI 147
14. Transparency - Public access to documents
Confirmatory application No 17/c/01/17
11592/17 INF 142 API 98
15. Draft Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals (**First reading**)
= Adoption of the legislative act
12321/17 CODEC 1414 MIGR 184 VISA 344 COMIX 626
PE-CONS 30/17 MIGR 107 VISA 237 COMIX 452 CODEC 1075
16. Draft Regulation of the European Parliament and of the Council amending Regulation (EU) No 99/2013 of the European Parliament and of the Council on the European statistical programme 2013-17, by extending it to 2018-2020 (**First reading**)
= Adoption of the legislative act
12324/17 CODEC 1417 ECOFIN 728 STATIS 50 IA 143
PE-CONS 29/17 ECOFIN 535 STATIS 33 IA 145 CODEC 1042
17. Draft Regulation of the European Parliament and of the Council amending Regulation (EU) No 345/2013 on European venture capital funds and Regulation (EU) No 346/2013 on European social entrepreneurship funds (**First reading**)
= Adoption of the legislative act
12327/17 CODEC 1420 EF 197 ECOFIN 729
PE-CONS 37/17 EF 144 ECOFIN 595 CODEC 1159
18. Recommendation to the Council concerning the approval of a second-party evaluated cryptographic product
12224/17 CSCI 36 CSC 207
19. Recommendation to the Council concerning the interim approval of a cryptographic product to protect electronic links in the framework of EU NAVFOR MED
12225/17 CSCI 37 CSC 208 **EU RESTRICTED**

20. Draft Council Implementing Decision amending Implementing Decision 2011/335/EU authorising the Republic of Lithuania to apply a measure derogating from Article 287 of Directive 2006/112/EC on the common system of value added tax
= Adoption
12403/17 FISC 193 ECOFIN 732
11977/17 FISC 178 ECOFIN 705
21. Draft Council Implementing Decision amending Implementing Decision 2014/797/EU authorising the Republic of Estonia to apply a measure derogating from point (a) of Article 26(1) and Articles 168 and 168a of Directive 2006/112/EC on the common system of value added tax
= Adoption
12405/17 FISC 194 ECOFIN 733
11978/17 FISC 179 ECOFIN 706
22. Draft Council Implementing Decision authorising Romania to apply a special measure derogating from Article 287 of Directive 2006/112/EC on the common system of value added tax
= Adoption
12406/17 FISC 195 ECOFIN 734
11979/17 FISC 180 ECOFIN 707
23. Draft Council Implementing Decision authorising the Republic of Poland to introduce a special measure derogating from Article 193 of Directive 2006/112/EC on the common system of value added tax
= Adoption
12407/17 FISC 196 ECOFIN 735
11980/17 FISC 181 ECOFIN 708
24. Commission Delegated Regulation (EU) No .../.. of 14.8.2017 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council on markets in financial instruments with regard to package orders
= Intention not to raise objections to a delegated act
12343/17 EF 198 ECOFIN 731 DELACT 159
11702/17 EF 178 ECOFIN 685 DELACT 138

25. Draft Council Decision authorising the opening of negotiations on the conclusion of a Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Agricultural, Construction and Mining Equipment ('MAC Protocol')
- = Approval of a compromise text for a negotiating mandate
- 12230/17 JUSTCIV 210 ENER 359 IND 218 AGRI 478
12179/17 JUSTCIV 206 AGRI 480 ENER 361 IND 220
+ ADD 1 **EU RESTRICTED**

Statement by the United Kingdom

"The United Kingdom notes that the Council Decision to be adopted is pursuant to Title V of Part III of the Treaty on the Functioning of the European Union. Consequently, the Council Decision will only bind the United Kingdom if it opts in to the Council Decision in accordance with Protocol 21 to the Treaties.

The United Kingdom confirms that it will notify the President of the Council of its opt-in decision in due course."

26. Draft Council Decision authorising the Commission to negotiate instruments on the enforcement of international commercial settlement agreements resulting from conciliation in the framework of the United Nations Commission on International Trade Law (UNCITRAL)
- = Decision to use the written procedure
- 12483/17 JUSTCIV 217 PROCED 1
12176/1/17 REV 1 JUSTCIV 205
12176/17 ADD 1 JUSTCIV 205 **EU RESTRICTED**

Statement by the United Kingdom

"While the United Kingdom can support the adoption of the Council Decision authorising the negotiation at UNCITRAL on both a Model Law and a Convention dealing with the enforcement of international commercial settlement agreements, like a number of other Member States it does not accept that the case has been made for there being EU exclusive competence in this area.

In addition, in accordance with the provisions of Protocol 21 to the Treaties, the United Kingdom has notified the President of the Council that it wished to take part in the adoption of this Decision, and considers the inclusion of the word "therefore" in the text of Recital 6 to be inaccurate. The fact that the United Kingdom is taking part in Regulation 1215/2012 does not, in its view, render inoperative the provisions of Protocol 21."

27. Draft Council Decision on the conclusion of the Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and Mongolia, of the other part
- = Adoption
- 11656/17 COASI 108 ASIE 31 CFSP/PESC 737 COHOM 96 CONOP 71
COTER 84 JAI 738 WTO 179 AGRI 417 ENER 338 TRANS 338
TELECOM 192 ENV 706 EDUC 321 RECH 268 EMPL 419
SAN 310
- 7902/1/11 REV 1 ASIE 11 RELEX 280 COMER 58 PVD 8 COASI 51
POLGEN 52
- 8919/16 COASI 82 ASIE 32 CFSP/PESC 386 COHOM 47 CONOP 44
COTER 51 JAI 382 WTO 131 AGRI 259 ENER 148 TRANS 167
TELECOM 81 ENV 282 EDUC 138 RECH 137 EMPL 157 SAN 184
28. Relations with the Kyrgyz Republic
- Draft Council Decision authorising the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy to open negotiations and negotiate a comprehensive Agreement with the Kyrgyz Republic
 - Draft Decision of the Representatives of the Governments of the Member States, meeting within the Council authorising the European Commission to open negotiations on and negotiate, on behalf of the Member States, the provisions that fall within the competences of the Member States of a Comprehensive Agreement between the European Union and its Member States, of the one part, and the Kyrgyz Republic, of the other part
 - Draft Directives for the negotiation of a Comprehensive Agreement with the Kyrgyz Republic
- = Adoption
- 12359/17 COEST 231 CFSP/PESC 802 WTO 202 JAI 806
11436/1/17 REV 1 COEST 203 WTO 200
11438/1/17 REV 1 COEST 204 WTO 203
12357/17 COEST 230 CFSP/PESC 801 WTO 201 JAI 805 **EU RESTRICTED**

Statement by Germany

"Negotiations on the enlarged Partnership and Cooperation Agreement between the EU and the Kyrgyz Republic should take place only after the presidential elections. This will allow for a more flexible approach, especially in case of serious shortcomings during the election. In the event of a major democratic setback, the discussion in the COEST should be reopened."

Statement by the Commission

"The Commission considers that the "Decision of the Representatives of the Governments of the Member States, meeting within the Council authorising the European Commission to open negotiations, on behalf of the Member States, on the provisions that fall within the competence of the Member States, of a Comprehensive Agreement between the European Union and its Member States, of the one part, and the Kyrgyz Republic, of the other part" is unwarranted because the Commission aims to conduct Comprehensive Agreement negotiations with the Kyrgyz Republic exclusively within the framework of the EU competencies as defined by the Treaty on European Union and the Treaty on the Functioning of the European Union."

29. Draft Council Decision on the conclusion of the Agreement between the European Union and Iceland on the protection of geographical indications for agricultural products and foodstuffs
= Adoption
12337/17 WTO 198 AELE 60 ISL 36 AGRI 485
11782/16 WTO 234 AELE 57 ISL 36 AGRI 452
12124/16 WTO 246 AELE 64 ISL 42 AGRI 474
30. Draft Council Decision on the conclusion of the Agreement in the form of an exchange of letters between the European Union and Iceland concerning additional trade preferences in agricultural products
= Adoption
12338/17 WTO 199 AELE 61 ISL 37 AGRI 486
12146/16 WTO 249 AELE 66 ISL 45 AGRI 477
12147/16 WTO 250 AELE 67 ISL 46 AGRI 478
31. Political and Security Committee Decision on the appointment of the Head of Mission of the European Union CSDP mission in Mali (EUCAP Sahel Mali) (EUCAP Sahel Mali/1/2017)
= Authorisation for publication in the Official Journal
11126/17 CFSP/PESC 662 CSDP/PSDC 416 COAFR 208 CSC 173
EUCAP MALI 27 PSC DEC 29
10706/17 CFSP/PESC 589 CSDP/PSDC 370 COAFR 188 CSC 149
EUCAP MALI 26 PSC DEC 22
32. Draft European Union Programme of Exercises and Exercise-Related Activities under the CFSP 2017-2021
= Approval
12367/17 COPS 290 POLMIL 103 CIVCOM 175 EUMC 115
CFSP/PESC 803 CSDP/PSDC 499
12375/17 COPS 291 POLMIL 104 CIVCOM 176 EUMC 116
CFSP/PESC 805 CSDP/PSDC 500

COREPER (PART 1)

42. Replies to written questions put to the Council by Members of the European Parliament
= Adoption by silence procedure
- a) E-004196/2017 - Nikolaos Chountis (GUE/NGL)
Is the establishment of a maximum threshold on gross financing needs (GFN) a sufficient prerequisite for debt relief?
11843/17 PE-QE 180
- b) E-004466/2017 - Joëlle Mélin (ENF)
Impact of the Council Recommendation on France in 2017
11844/17 PE-QE 181
43. Draft minutes of the following Council meetings
= Adoption
- a) 3541st meeting of the Council of the European Union (Education, Youth, Culture and Sports), held in Brussels on 22 and 23 May 2017
9547/17 PV CONS 29 EDUC 252 JEUN 72 CULT 73 AUDIO 74 SPORT 38
+ COR 1
+ COR 2
+ ADD 1
+ ADD 1 COR 1
- b) 3545th meeting of the Council of the European Union (Transport, Telecommunications and Energy), held in Luxembourg on 8 and 9 June 2017
10115/17 PV CONS 32 TRANS 259 TELECOM 157 ENER 279
+ COR 1 (lv)
+ ADD 1
+ ADD 1 COR 1 (lv)
- c) 3547th meeting of the Council of the European Union (Agriculture and Fisheries), held in Luxembourg on 12 and 13 June 2017
10228/17 PV CONS 34 AGRI 328 PECHE 242
+ COR 1 (lt)
+ COR 2 (de, sk)
+ ADD 1
+ ADD 1 COR 1 (de, sk)
- d) 3548th meeting of the Council of the European Union (Employment, Social Policy, Health and Consumer Affairs), held in Luxembourg on 15 and 16 June 2017
10375/17 PV CONS 35 SOC 485 EMPL 372 SAN 251 CONSOM 263
+ COR 1

- e) 3550th meeting of the Council of the European Union (Environment), held in Luxembourg on 19 June 2017
 10458/17 PV CONS 37 ENV 630 CLIMA 194
 + COR 1
 + ADD 1
 - f) 3554th meeting of the Council of the European Union (Transport, Telecommunications and Energy), held in Luxembourg on 26 June 2017
 10725/17 PV CONS 44 TRANS 301 TELECOM 177 ENER 312
 + COR 1
 - g) 3556th meeting of the Council of the European Union (Agriculture and Fisheries), held in Brussels on 17 and 18 July 2017
 11335/17 PV CONS 46 AGRI 409 PECHE 294
 + COR 1 (hr)
 + COR 2
 + COR 3 (et, lt, lv)
 + ADD 1
44. Commission Regulation (EU) .../... of XXX establishing a guideline on electricity balancing
 = Decision not to oppose adoption
 11957/17 ENER 350
 + ADD 1
 11198/17 ENER 329

Statement by Estonia

"Estonia strongly supports the adoption of the electricity balancing guideline. However, we note that in the Estonian language version of the Commission regulation an incorrect translation of the term "*balance*" is used. The terms that have been traditionally used in national legal acts (Electricity Market Act, Grid Code) and by market participants in their standard terms and conditions are "*bilanss*" and "*reguleerimis-*". We strongly believe that introducing novel terms in the electricity balancing guideline will lead to legal uncertainty and cause undue administrative burdens. Therefore, we urge the Commission to reconsider and introduce a translation of the term "*balance*" that is consistent with Estonian national legislation as well widely understood by market participants."

45. Commission Regulation (EU) .../... of XXX establishing mitigation measures and benchmark levels for the reduction of the presence of acrylamide in food
 = Decision not to oppose adoption
 12309/17 AGRILEG 172 DENLEG 73
 11651/17 AGRILEG 150 DENLEG 63
 + COR 1 (lt)
 + ADD 1
46. Commission Regulation (EU) .../... of XXX amending Annexes II, IV, VI, VII and VIII to Regulation (EC) No 767/2009 of the European Parliament and of the Council on the placing on the market and use of feed
 = Decision not to oppose adoption
 12289/17 AGRILEG 171
 11810/17 AGRILEG 163
 + ADD 1 REV 1

47. Commission Regulation (EU) .../... of XXX amending Annex I to Directive 2002/32/EC of the European Parliament and of the Council as regards maximum levels for lead, mercury, melamine and decoquinate
= Decision not to oppose adoption
12288/17 AGRILEG 170
11730/17 AGRILEG 154
+ ADD 1
48. Draft Regulation of the European Parliament and of the Council concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010
(First reading)
= Adoption of the legislative act
12322/1/17 REV 1 CODEC 1415 ENER 364 IA 142
+ ADD 1 COR 1
PE-CONS 22/17 ENER 171 IA 144 CODEC 779
49. Draft Regulation of the European Parliament and of the Council amending Regulations (EU) No 1316/2013 and (EU) No 283/2014 as regards the promotion of internet connectivity in local communities **(First reading)**
= Adoption of the legislative act
12325/17 CODEC 1418 TELECOM 217 FC 72
+ ADD 1
+ ADD 2 REV 1
PE-CONS 28/17 TELECOM 158 FC 54 CODEC 1008
50. Draft Regulation of the European Parliament and of the Council repealing Regulations (EC) No 2888/2000 and (EC) No 685/2001 of the European Parliament and of the Council and Council Regulation (EEC) No 1101/89 **(First reading)**
= Adoption of the legislative act
12328/17 CODEC 1421 TRANS 368 MAR 156
PE-CONS 44/17 TRANS 308 MAR 146 CODEC 1206
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